

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

HOME CITY INC.,)	<u>Civil Action</u>
Plaintiff,)	Case No. 2:22-cv-06043-SDW-MAH
vs.)	
BASHIAN BROS INC.,)	JOINT DISCOVERY PLAN
Defendant.)	

1. Description of the Case, Causes of Action, Affirmative Defenses

Plaintiff Home City Inc. filed an action alleging violation of the federal Computer Fraud And Abuse Act, New Jersey Computer Related Offenses Act, common law unfair competition, unfair competition under N.J.S.A. 56:4-1, interference with prospective business advantage, tortious interference with prospective business advantage, and negligence. The Plaintiff seeks monetary damages.

2. Have settlement discussions taken place? Yes X No

If so, when? The most recent discussion took place on **August 4, 2022**.

(a) What was plaintiff's last demand?

(1) Monetary demand: **\$154,000**

(b) What was defendants' last offer?

(1) Monetary offer: \$ **10,000**

3. Plaintiff served its Fed. R. Civ. P. 26(a)(1) disclosures on **December 7, 2022**. Defendant served its Fed. R. Civ. P. 26(a)(1) disclosures on **February 2, 2023**.

4. Describe any discovery conducted other than the above disclosures. **None.**
5. Generally, dispositive Motions cannot be filed until completion of discovery. Describe any Motions any party may seek to make prior to the completion of discovery. Include any jurisdictional Motions and Motions to Amend. **None.**
6. The parties propose the following:
 - (a) Discovery is needed on the following subjects:
 - (i) Documents and other information pertaining to the Defendant's use of the Amazon Vendor Central (AVC) program.
 - (ii) Documents and other information pertaining to the Defendant's use and maintenance of its Amazon Vendor Central (AVC) account.
 - (iii) Documents and other information pertaining to Defendant's communications with Amazon with respect to the Amazon Vendor Central (AVC) program.
 - (iv) Documents and other information pertaining to Defendant's computer systems and operations relating to the Electronic Data Interchange (EDI) system.
 - (v) Same items as above for Plaintiff's systems.
 - (vi) Information on Plaintiff's financials, including earnings, profits, and expenses.
 - (b) Should discovery be conducted in phases? If so, explain. **No.**
 - (c) Number of Interrogatories by each party to each other party: **25**
 - (d) Number of depositions to be taken by each party: **Maximum of 5**
 - (e) Plaintiff's expert report due on: **N/A**

- (f) Defendants' expert report due on: **(response)**
- (g) Motions to Amend or to Add Parties to be filed on: **March 7, 2023**
- (h) Dispositive motions to be served within **30 days** of completion of discovery.
- (i) Factual discovery to be completed by: **June 30, 2023**
- (j) Expert discovery to be completed by: **N/A**
- (k) Set forth any special discovery mechanism or procedure requested, including data preservation orders or protective orders: **The parties contemplate negotiating and seeking court entry of a protective order.**
- (l) A pretrial conference may take place on: **August 4, 2023**
- (m) Trial by jury or non-jury Trial? **Jury Trial.**
- (n) Trial Date: **October 16, 2023**

7. Do you anticipate any discovery problem(s)? Yes ___ No X

8. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc.?) Yes ___ No X

If so, explain:

9. State whether this case is appropriate for voluntary arbitration (pursuant to L.Civ.R. 201.1 or otherwise), mediation (pursuant to L.Civ.R. 301.1 or otherwise), appointment of a special master or other special procedure. If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition of dispositive motions, etc.). **The parties believe that any such voluntary arbitration, mediation, appointment of a special master or other special procedure would not be appropriate until after the completion of factual discovery in this matter.**

10. Is this case appropriate for bifurcation? Yes ____ No X
11. The parties **do not consent** to the trial being conducted by a Magistrate Judge.

Dated: February 21, 2023

Respectfully submitted,

/s/ Charles P. Guarino
Charles P. Guarino
cguarino@cpg-law.com
323 Gill Lane, Suite 12-I
Iselin, New Jersey 08830
646-727-0708 (phone)
Attorneys for Plaintiff Home City Inc.

/s/ Jonathan Eliezer Fleisher
Jonathan Eliezer Fleisher
Law Offices of Jonathan Fleisher Esq.
293 River's Edge Lane
Toms River, NJ 08527
jfleisher@jflawnj.com
Attorneys for Defendant Bashian Bros Inc.